

REMARKS

Entry of the amendments is respectfully requested. Claims 19, 27, 36, and 37 have been amended. Claims 23 and 26 have been withdrawn herein. New claims 38 and 39 have been added. Claims 1-32 and 36-39 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Objection to the Drawings and Amendments to the Drawings

The drawings are objected to on numerous grounds. The objections have been addressed as follows.

Figure 4 has been amended to include reference numeral 34, which is mentioned on page 8, line 22 of the specification.

In the specification, the paragraph starting at page 11, line 17, has been amended to delete the reference to reference numeral 67 (on page 11, line 22).

Reference numeral 25 is shown in Figures 4 and 5 and refers to a blade mounting surface. A description of reference numeral 25 has been added to the paragraph bridging pages 7 and 8 to address the objection based on the lack of mention of reference numeral 25.

Reference numeral 41 is shown in Figures 4 and 5 and refers to a locking mechanism. A description of reference numeral 41 has been added to the paragraph starting on page 8, line 5 to address the objection based on the lack of mention of reference numeral 41. Support for this amendment can be found, *inter alia*, in Figure 5. In addition, Figure 4 has been amended to show the proper location of locking mechanism 41, which was previously incorrectly shown.

Although the Office Action states that a reference numeral 17 is included in the drawings but is not described in the specification, a review of the drawings does not show this reference numeral.

The Office Action objects to the drawings because they fail to show the actuator 28 integral with the blade carriage 20 such that a portion thereof can move to position cutting blade

50 with respect to a cutting surface as is described in the specification on page 8, lines 5-20. Figure 4 has been amended to address this objection.

In light of the amendments to the specification and drawings, withdrawal of the objection to the drawings is requested.

2. Objection to the Specification

The specification is objected to on several grounds. The Examiner's careful review of the specification is noted with thanks. The Examiner's suggested changes have been made, thereby obviating the objection to the specification. Withdrawal of the objection is therefore requested.

3. Objection to the Claims

The renumber of claims 36 and 37 is acknowledged. Claim 37 has been amended to amend the dependency to claim 36. Withdrawal of the objection is requested.

4. Rejection Under §112, First Paragraph

Claims 23 and 26 stand rejected under 35 U.S.C. §112, ¶1 as not being enabled. The Examiner correctly notes that applicant elected Species I as shown in Figure 1 in its response to the election of species requirement. The Examiner is also correct in that he placed Figure 4 in Species III. Upon further review of the claims, applicant now believes that it should not have indicated that claims 23 and 26 read upon Species I. Accordingly, claims 23 and 26 have been withdrawn, obviating the enablement rejection of these claims. However, applicant does not concede the correctness of this rejection. Applicant specifically disagrees with the Examiner's contention that all of the pending claims should be read to include "arcuate pad." This is incorrect because "arcuate pad" is recited only in claim 20. The remaining claims under examination, i.e., claims 19, 21, 22, 24, 25, and 27, do not require an arcuate pad. Therefore, claims 19, 21, 22, 24, 25, and 27 (and withdrawn claims 23 and 26) should not be construed to include an arcuate pad limitation, regardless of the election of species requirement.

In light of the withdrawal of claims 23 and 26, withdrawal of this rejection is requested.

5. Rejection of Claims 19-27 Under § 102(b)

Claims 19-27 stand rejected under § 102(b) as being anticipated by Brening (U.S. Patent No. 957,409), Ridgely (U.S. Patent No. 909,227), and Schulz (U.S. Patent No. 5,711,077). The Applicants respectfully traverse these rejections as they may be applied to amended claim 19 because, as is discussed below, the references do not disclose each and every element of amended claim 19. Therefore, reconsideration is in order and is respectfully requested.

Claim 19 has been amended to recite a rotary trimmer that requires a blade carriage, a mounting structure situated on the blade carriage, and one or more cutting blades received on the mounting structure. The rotary trimmer also requires a guard that at least substantially covers the cutting blade. The rotary trimmer further requires the cutting blade and the guard to be connected to form an integral blade-guard assembly that can be removed from the blade carriage.

a. Rejection Based on Brening

Brening discloses a paper cutter that has a casing a for a disk b , and a supporting frame a^2 . The Examiner asserts that the casing a corresponds to the guard of claim 19, the disk b corresponds to the cutting blade of claim 19, and the supporting frame a^2 corresponds to the blade carriage of claim 19. However, the supporting frame a^2 does not correspond to the blade carriage of amended claim 19 because it does not have a mounting structure situated thereon that receives one or more cutting blades, as amended claim 19 requires.

Furthermore, it cannot be said that the casing a corresponds to blade carriage of amended claim 19 and the supporting frame a^2 corresponds to the guard of claim 19 because the supporting frame a^2 is not connected to the disk b to form an integral blade-guard assembly. Furthermore, no other parts of the Brening paper cutter correspond to the blade carriage and guard of amended claim 19. Thus, Brening fails to disclose all of the limitations of amended claim 19.

b. Rejection Based on Ridgely

The Examiner contends that in Ridgely, a gage 1 corresponds to the blade carriage of claim 19, rotary disk 26 corresponds to the one or more cutting blades of claim 19, and vertical

portion 13 of casing corresponds to the guard of claim 19. However, claim 19 has been amended to require that the blade carriage has a mounting structure that receives one or more cutting blade. As such, gage 1 of Brening does not correspond to the blade carriage of claim 19. Moreover, vertical portion 13 of casing can be considered to be the blade carriage of amended claim 19 because the trimmer of Ridgely lacks a guard that forms an integral blade guard assembly that can be removed from the vertical portion 13 of casing. In addition, no other structures in the Ridgely trimmer correspond to the blade carriage and guard of amended claim 19. Accordingly, Ridgely does not disclose each and every element of amended claim 19.

c. Rejection Based on Schulz

The Examiner states that in Schulz, blades 14 correspond to the one or more cutting blades of claim 19, blade guard 90 corresponds to the blade guard of claim 19, and side walls 38A and 38B of cylindrical head 38 of body 19 and side walls 12A and 12B of body 12 together correspond to the blade carriage of claim 19. However, these elements do not fulfill the requirements of amended claim 19. First, blades 14 and blade guard 90 are not connected to form an integral blade-guard assembly that can be removed from the blade carriage, as claim 19 now requires. Second, blade guard 90 does not at least substantially cover the cutting blade, as claim 19 now also requires. As such, Schulz does not anticipate amended claim 19.

d. Summary

None of the cited references discloses each and every element of amended claim 19. Dependent claims 23 and 26 have been withdrawn, obviating the rejection of these claims. Dependent claims 20-22, 24-25, and 27 are believed to be in condition for allowance for incorporating by reference the limitations of claim 19 and for defining additional features of the invention, which, when considered in combination with those of claim 19, are not disclosed by the prior art relied upon in the rejection.

In light of the amendment to claim 19 and the foregoing arguments, withdrawal of the rejection of claims 19-27 under § 102 is requested.

6. Additional Claim Amendment

Claim 27 has been amended to keep claim language consistent with corresponding claim language in claim 19.

7. Information Disclosure Statement

The Examiner did not initial the International Search Report Application No. PCT/US03/34224, listed in the Information Disclosure Statement (IDS). The Examiner is requested to consider this reference and initial it in the column provided on the IDS in accordance with MPEP § 609.

8. New Claims

New claims 38 and 39 have been added. New claim 38 combines the limitations of amended claim 19 and claim 21. New claim 39 has the limitations of amended claim 19 and additionally requires “a handle on said cutting blade carriage.” The claims are believed to be allowable for at least the reasons that amended claim 19 is believed to be allowable.

CONCLUSION


It is submitted that original claims 19-22, 24-25, and 27 are in compliance with 35 U.S.C. §§ 112 and 102 and each define patentable subject matter. New claims 38 and 39 are also believed to be allowable. A Notice of Allowance is therefore respectfully requested.

No fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 23-2053.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Dated this 5th day of September, 2006.

Respectfully submitted,



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